

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF AMENDMENT  
23.12.401, 23.12.402, 23.12.408, ) AND REPEAL  
23.12.430, 23.12.501, 23.12.502, )  
23.12.601, and 23.12.605 concerning )  
fire safety, fireworks, and Uniform Fire )  
Code; and the repeal of ARM 23.12.420 )  
concerning equipment approval )

TO: All Concerned Persons

1. On June 6, 2013, the Department of Justice published MAR Notice No. 23-12-230, pertaining to the proposed amendment and repeal of the above-stated rules at page 897 of the 2013 Montana Administrative Register, Issue Number 11.

2. The department has amended ARM 23.12.401, 23.12.402, 23.12.408, 23.12.430, 23.12.501, 23.12.502, and 23.12.605 as proposed.

3. The department has amended ARM 23.12.601 as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

23.12.601 ADOPTION OF THE INTERNATIONAL FIRE CODE (2009 2012 EDITION) (1) through (5)(w) remain as proposed.

(x) ~~5706.2.5.1(2)~~ 3406.2.5.1(2) is not adopted.

(y) Appendix B - Fire Flows - is adopted.

(z) Appendix C - Hydrants - is adopted.

(aa) Appendix D - Access Roads: Sections D101-D105.3 - are adopted.

(ab) Appendix I - Fire Protection Systems Non-Compliant Conditions - is adopted.

(y) ~~Appendix A - Board of Appeals - is not adopted.~~

(z) ~~Appendix D - Access Roads - sections D105.4 through D108 are not adopted.~~

(aa) ~~Appendix E - Hazard Categories - is not adopted.~~

(ab) ~~Appendix F - Hazard Ranking - is not adopted.~~

(ac) ~~Appendix G - Cryogenic Fluids - is not adopted.~~

(ad) ~~Appendix H - Hazardous Materials - is not adopted.~~

(ae) ~~Appendix J - Building Information Sign - is not adopted.~~

4. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT 1: A commenter observed that, under section 101.2.1 of the IFC, appendices are not included in the IFC unless they are specifically adopted. The

commenter expressed confusion as to the department's intent in including language that specifically did not adopt appendices and in striking language that specifically adopted certain appendices.

RESPONSE 1: The department agrees with the commenter that the proposed language could lead to confusion and has clarified the rule by deleting the proposed confusing language and by specifically adopting the appendices that are intended to be part of Montana's fire code. The department does not believe that these changes affect the intent or substance of the rule.

5. The department has repealed ARM 23.12.420.

By: /s/ Tim Fox  
Tim Fox  
Attorney General  
Department of Justice

/s/ Matthew T. Cochenour  
Matthew T. Cochenour  
Rule Reviewer

Certified to the Secretary of State July 15, 2013.